

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MARY WEST, *on behalf of herself and all others similarly situated,* :
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Plaintiffs, : 20-CV-3788 (JPC)
:
-v- : ORDER
:
SOPHIA WEBSTER USA, LLC, :
:
Defendant. :
:
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JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint on May 15, 2020. (Dkt. 1). Defendant was served with the Complaint on May 20, 2020, making Defendant's Answer or response to the Complaint due on June 10, 2020. (Dkt. 5). In the over six months since Defendant was served with the Complaint, Defendant has neither answered the Complaint nor appeared in this action.

On October 29, 2020, the Court issued an Order requiring that Plaintiff file any motion for default judgment by November 17, 2020. (Dkt. 7). The Court directed Plaintiff to serve Defendant with a copy of the October 29, 2020 Order and any motion for default judgment. (*Id.*) The Court further directed Plaintiff to file proof of such service on the docket within two business days of service. (*Id.*) To date, Plaintiff has filed neither a motion for default judgment nor proof of service of the October 29, 2020 Order on Defendant.

On November 30, 2020, the Court ordered that Plaintiff inform the Court by December 20, 2020 whether she intends to proceed with this case, and if so, Plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute. (Dkt. 8). The Court stated that “[i]f Plaintiff fails to inform the Court of her intent to proceed with this case and show cause why her action should not be dismissed by December 20, 2020, the Court may dismiss this action for

failure to prosecute without further notice.” (*Id.*)

To date, Plaintiff has neither complied with the Court’s orders nor shown any intent to proceed with this action. Accordingly, the Court dismisses this action pursuant to Federal Rule of Civil Procedure 41(b). *See LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) . . . gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute . . .”).

The Clerk of Court is respectfully directed to close this case

SO ORDERED.

Dated: January 11, 2021
New York, New York



JOHN P. CRONAN
United States District Judge